

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

BILLY T. REED

PLAINTIFF

VS.

CIVIL ACTION NO. 3:08CV333-DPJ-JCS

RACHEL WALKER, et al.

DEFENDANT

REPORT AND RECOMMENDATION

On August 26, 2009, a suggestion of death as to Plaintiff was filed, and on August 28, 2009, this court entered an order giving notice that unless a proper party were substituted in the place of Plaintiff within ninety days of August 26, 2009, this action would be dismissed. No such substitution has been made. Accordingly, the undersigned recommends that this action be dismissed for failure to prosecute.

The parties are hereby notified that failure to file written objections to the findings and recommendations contained in this report within ten days of being served with a copy hereof will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. 636; *Douglass v. United Service Automobile Ass'n*, 79 F.3d 1415 (5th Cir. 1996).

A copy of this Report and Recommendation will be mailed to Ms. Geraldine Reed, 2463 Hwy 182-W, Starkville, MS 39759.

Respectfully submitted, this the 25<sup>th</sup> day of November, 2009.

/s/ James C. Sumner  
UNITED STATES MAGISTRATE JUDGE